IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 9402 of 2007(T)

PETITIONER:

MRS. BABY ANTONY, W/O. LATE
SRI. VARKEY ANTONY, NENMENIPARAMBIL HOUSE,
EZHUPUNNA, ALAPPUZHA.

BY ADV. SMT.S.K.DEVI
SRI.M.RAJ MOHAN
SRI.K.P.PRADEEP (PAYYANNUR)

RESPONDENTS:

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1. COMMERCIAL TAX OFFICER,
DEPARTMENT OF COMMERCIAL TAX, KUTHIATHODE,
ALAPPUZHA DISTRICT.

2. DEPUTY COMMISSIONER (APPEALS),
DEPARTMENT OF COMMERCIAL TAXES, KOLLAM.

3.DEPUTY TAHSILDAR (RR), TALUK OFFICE,
CHERTHALA, ALAPUZHA DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY (FINANCE), SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE DEATH CERTIFICATE NO.3805/2006 DATED 25-7-2006.

EXT.P2- TRUE COPY OF THE ASSESSMENT ORDER NO.A14892/01-02 (MODIFIED) DATED 17-8-2006.

EXT.P3- TRUE COPY OF THE ORDER IN APPEAL IN STA NO.257/05 DATED 13-3-2006.

EXT,P4- TRUE COPY OF THE APPEAL UNDER S.34 OF THE KGST ACT DATED 22-12-2006.

EXT.P5- TRUE COPY OF the RR NOTICE NO.B5-42400/06 DATED 29-11-2006.

EXT.P6- TRUE COPY OF the EARLY HEARING PETTIOIN FILED ON 5-3-2007.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No. 9402 of 2007-T

Dated this the 4th day of April, 2007

JUDGMENT

The petitioner has approached this Court, inter alia, praying for a direction to the respondent to receive the amount due as per Ext.P5 demand in six equal monthly instalments. Pursuant to the interim order of this Court, the petitioner has already paid Rs.3.1 lakhs. The balance amount the petitioner may pay in 5 equal monthly instalments. The first instalment shall be paid on or before 30-4-2007. The remaining instalments shall be paid on or before the last working day in the succeeding months. The payments shall be received by the first respondent assessing authority. The said authority shall inform the petitioner, the interest, if any, that has accrued, as a result of grant of instalment facility. The same shall also be remitted along with the last instalment. The dispute regarding collection charges is kept open.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS